APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,657	07/18/2003	Antonio Bovo	7368 US	3846

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EXAMINER
GEE, JASON KAI YIN

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/622,657	BOVO ET AL.
	Examiner	Art Unit	
	Jason K. Gee	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 July 2003</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　1.☒ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/18/2003</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is response to communication: filed on 07/18/2003 with

acknowledgement of priority date of 07/19/2003.

2.   Claims 1-14 are currently pending in this application. Claims 1 and 8 are ·

independent claims.

3.   The IDS received 07/18/2003 has been accepted.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

As per claims 3 and 10, the claim recites "and from each packet data unit as the

sequence number of the packet data units." This limitation is unclear, as there seems to

be no action involved.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-4, 6, 7, 8-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Takagi US Patent Application Publication 2001/0047474 (hereinafter

'474), and in view of Malek US Patent No. 4,920,567 (hereinafter '567).

        As per claim 1, '474 teaches a system for communication monitoring in a mobile

radio network comprising: a processing device coupled to multiple links in the mobile

radio network (Figure 1, processing device gateway 401, 402, 403), the processing

device (i) determining from data transferred via the multiple links current deciphering

parameters (paragraph 18 and 74); (ii) deciphering the data using the current

deciphering parameters to produce deciphered data (paragraph 18 and 90); a

deciphering parameter providing device (paragraph 98) coupled to the processing

device, in which the current deciphering parameters are filed by the processing device

to be available for another processing device upon request (paragraph 101, 102); a

deciphered data providing device coupled to the processing device for providing the

deciphered data at an output (paragraph 91 and 92 radio output unit 1408). The

processing device and the deciphering parameter providing device are distributed over

different locations and are coupled together by a communication link, as can be seen in

Figure 1.

        However, at the time of the invention, '474 does not explicitly teach an output

device separated from a gateway/processing device which is connected by a

communication link. Malek '567 teaches this though, in Figure 2, where remote

interface forwards manipulated data to a PSTN (connected by a communication link)

which forwards it to a gateway. This also teaches that the data sent from remote

interface 206 may be decrypted (col. 7 lines 55-65).

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to combine the teachings of '474 with '567, as they are both directed toward

secure communication in a mobile radio network. One of ordinary skill in the art would

have been motivated to separate the output unit from the deciphering unit as to allow

physical components to be more specialized, so as to be only dedicated to one process.

As per claim 2, the claim recites wherein the communication link comprises one

selected form the group consisting of a local area network and a wide area network.

'474 teaches that the processor is connected to the deciphering parameter providing

device through a network. The combination with '567 would teach that a output device

would be connected in a similar manner. It would be inherent that if a communication

link coupling devices together uses a network, (such as is taught in '474), it would be

picked from a LAN and a WAN, as these two categories comprise all networks.

As per claim 3, '474 teaches wherein the processing means deciphers data on

first ones of the multiple links using an additional deciphering parameter extracted from

the data (paragraph 89 teaches that the packet deciphers data using a key and also an

algorithm, which is extracted from the data); the data being in the form of packet data

units (paragraph 89), the additional deciphering parameter being a set of parameters

obtained from a subscriber data base entity (paragraphs 48-57), from the data flow of

the connection (paragraph 89, Figure 1), and from each packet data unit as the

sequence number of the packet data units (paragraph 89, where it teaches the packet

has selector values; also paragraph 49-50).

As per claim 4, '567 teaches wherein the data includes both unciphered and

ciphered data (col. 7 lines 50-65) and the processing device comprises: means for

deciphering the ciphered data according to the current deciphering parameters

(paragraph 90 of '474; col. 7 lines 55-65 in '567); and means for combining the

unciphered data and the deciphered ciphered data to produce an ordered data flow as

the deciphered data ('567 col. 7 lines 55-66).

As per claim 6, '474 teaches wherein the processing device comprises a memory

coupled to the deciphering parameter providing device for storing deciphering

parameters provided by the deciphering parameter providing device (paragraph 82).

As per claim 7, '474 teaches wherein the processing device comprises a plurality

of processors operating in parallel with the deciphering parameter providing device and

deciphered data providing device, the number of processors being sufficient to cover all

the multiple links at a server switching entity (Figure 1, with plurality of processing

devices 401, 402, and 403).

Claims 8, 9, 10, 11, 13, and 14 are rejected using the same basis of arguments

used to reject claims 1, 2, 3, 4, 6, and 7, respectively.

8.   Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

'474 and '567 as applied above, and further in view of Low et al. US Patent No.

6,959,346 (hereinafter '346).

As per claim 5, the '474 combination does not explicitly teach delaying

unciphered data while the deciphering means deciphers the ciphered data so the

deciphered data is in the ordered data flow with the unciphered data. However, Low

'346 teaches this in col. 6 lines 37-57, wherein information that is not decrypted remains

and waits in the combiner, and the signal is combined with deciphered data once it is

determined that the two sets of data correspond to each other.

At the time of the invention, it would have been obvious to combine the teachings

of '346 with the '474 combination. One of ordinary skill in the art would have been

motivated to perform such an addition to provide flexibility to the system, as taught in

col. 3 lines 53-56 of '346.

Claim 12 is rejected using the same basis of arguments used to reject claim 5

above.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason K. Gee whose telephone number is (571) 272-

6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.
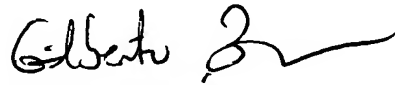
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/16/2006

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